

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 RUDY GONZALEZ, on behalf of himself and) Case No.: 1:20-cv-01704 JLT SKO
12 all others similarly situated,)
13 Plaintiff,) ORDER TO THE PARTIES TO SHOW CAUSE
14 v.) WHY SANCTIONS SHOULD NOT BE IMPOSED
15 XTREME MANUFACTURING, LLC, et al.,) FOR FAILURE TO COMPLY WITH THE
16 Defendants.) COURT'S ORDER

17 On October 25, 2022, the Court granted Plaintiff's motion for preliminary approval of the class
18 settlement and preliminarily approved the proposed Notice Packet. (Doc. 31.) However, there were
19 also revisions required, including the date of the hearing for final approval; deadlines for requesting
20 exclusion, objections to the Settlement, and disputes of the employment information for the class
21 member; and contact information for Simpluris as the Settlement Administrator. (*See id.* at 29.)
22 Therefore, the Court ordered: "the parties **SHALL** file a finalized Notice with the required revisions
23 for the Court's approval within seven days of the date of service of this Order." (*Id.* at 30-31, ¶ 12
24 [emphasis in original].) Pursuant to this order, the finalized Notice was to be filed no later than
25 November 1, 2022. To date, the finalized notice has not been submitted to the Court.

26 The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: "Failure of counsel or of a
27 party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any
28 and all sanctions . . . within the inherent power of the Court." Local Rule 110. "District courts have

1 inherent power to control their dockets,” and in exercising that power, a court may impose sanctions,
2 including terminating sanctions. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831
3 (9th Cir. 1986). A court may sanctions based on a party’s failure to obey a court order. *See, e.g.*,
4 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (sanctions for failure to comply with an
5 order); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (sanctions for failure to
6 comply with a court order).

7 Accordingly, the parties are **ORDERED** to show **cause no later than November 8, 2022**, why
8 sanctions should not be imposed for their failure to comply with the Court’s order or, in the
9 alternative, file the revised Class Notice for the Court’s approval.

10
11 IT IS SO ORDERED.

12 Dated: **November 3, 2022**


UNITED STATES DISTRICT JUDGE